IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO.427 OF 2005

Surekha Balkrishna Mane & anr... Applicant

vs

Balkrishna Shankar Mane & anr.... Respondent

Mr.Dilip Bodake for Applicant

Respondent absent

CORAM: D.G.DESHPANDE AND

SMT.ROSHAN DALVI, JJ

DATE : 12th December, 2006

P.C.

1. Heard advocate for the applicant Respondent is absent.

2. Repeatedly notices were served upon him, that matter would be finally heard and decided. Then, there is an order dated 3rd October, 2006 wherein he has to pay Rs.4000/- by 9th October, 2006 and

towards the arrears. Advocate for the applicant states that he has not so far paid this amount. It is therefore, clear that the respondent no.1 is avoiding to appear before the Court.

3. The applicant has challenged the order of the Family Court wherein maintainance was refused to her but it was granted to the daughter at Rs.1000/- p.m.

4. According to the applicant the husband-respondent was in service as a watchman and was earning Rs.5000/-. In this regard, the husband did not adduce any evidence in rebuttal and in this revision he has not filed any reply. Therefore, relying upon the statement of the wife on the basis of which maintainance is granted to the daughter, this revision is to be allowed to that extent.

5. The Family Court did not grant maintainance to the wife on the ground that she refused to accept the offer given by the husband to cohabit with him. We do not find that the offer is bonafide and the explanation given by the applicant-wife that the husband did not come to take her back to the house.

In view of this, we do not find any justification for the husband to refuse the maintainance to the wife. Therefore, the following order :

O R D E R

This revision is partly allowed. The respondent-husband to pay Rs.1000/- per month to the wife from the date of the Family Court's order i.e. 19th August, 2005. All the arrears from that date till today shall be cleared by the husband within six months in addition to the payment of Rs.1000/- towards maintainance. This is in addition to the maintainance granted to the child.

Revision is disposed of.

(Smt R.S.Dalvi,J) **(D.G.Deshpande, J)**